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PATENTREMARKS

This Amendment and Response is submitted in response to the Office Action mailed June 16, 2003. Applicants petition under 37 C.F.R. §1.136(a) for a two month extension of time and hereby authorize the Commissioner to charge the fee required under 37 C.F.R. §1.17(a) to our Deposit Account No. 50-2613. Applicants respectfully request reconsideration and withdrawal of all outstanding rejections.

Claims 1-97 are pending. Claims 64-97 have been withdrawn. Claims 1-63 are under consideration. Claims 1, 14, 15, 16, 39-42, 50, 51, and 63 have been amended. Support for the amendments to claims 1, 14, 15, 16, 39-42, 50, 51, and 63 may be found throughout the specification and, in particular, in those claims as originally filed. Therefore, no new matter has been added by reason of these amendments.

In a Restriction Requirement mailed January 13, 2003, the Examiner required election to one of 13 allegedly distinct inventions. See Restriction Requirement at pages 2-3. In a Response to Restriction Requirement, filed May 13, 2003, Applicants provisionally elected group III, with traverse. The Examiner identified that group as "Claims 1-63 in part, drawn to a compound wherein  $X=NR^{14}$ ,  $n=0$ , classified in class 546, subclass 85 and the compositions thereof." Restriction Requirement at page 2. The Examiner also required an election of "a species within the elected invention." Id at page 4. Applicants provisionally elected the compound identified in the specification as number 153. See Response to Restriction Requirement at page 4.

In the pending Office Action, the Examiner searched only structural formulae I-IV. See Action at page 2. However, Group III, as defined by the Examiner also comprises certain compounds of structural formulae V-VIII. Moreover, the Examiner indicated that claims 12, 13, and 52 are "directed to compounds outside of the species formula (I)-(IV)"

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and consequently were "withdrawn from further consideration as being drawn to the non-elected inventions." Action at page 2. Applicants respectfully traverse. Claims 12, 13, and 52 comprise subject matter within the scope of Group III. Applicants remind the Examiner of the requirement to search a reasonable number of species, if a generic or linking claim (e.g., claim 1) is found allowable. See MPEP § 806.04.

The Rejection of Claims Under 35 U.S.C. § 102(b)

Claims 1, 2, 4-11, 14-16, 18-19, 21-26 and 30-38 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Kost (SU 548608, abstract). According to the Office Action "Pyrrolo[4,5-f]quinolines of formula I, Pyrrolo[5,4-f]quinolines of formula II, and the compound of RN 232-85-9DP, are encompassed by the instant claims." (Office Action mailed June 16, 2003, p.3). Without acquiescing to the rejection and solely to expedite prosecution, Applicants have amended claims 1, 14, 15, and 16. Amended claims 1, 14, 15, and 16 are not anticipated by Kost. Claims 2, 4-11, 18, 19, 21-26, and 30-38 ultimately depend from the amended claims. Thus, the rejection is moot. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 1, 2, 4-11, 14-16, 18-19, 21-26 and 30-38 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Grandberg (SU 241441, abstract). According to the Office Action "the compound of RN 23758-94-3DP is encompassed by the instant claims." (Office Action mailed June 16, 2003, p.3). Without acquiescing to the rejection and solely to expedite prosecution, Applicants have amended claims 1, 14, 15, and 16. Amended claims 1, 14, 15, and 16 are not anticipated by Grandberg. Claims 2, 4-11, 18, 19, 21-26, and 30-38 ultimately depend from the amended claims. Thus, the rejection is moot. Accordingly, Applicants respectfully request that this rejection be withdrawn.

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Claims 1, 2, 4-11, 14-16, 18-19, 21-26 and 30-38 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Gryaznov (abstract). According to the Office Action "The compounds of RN 232-85-9, 118644-71-6, [and] 118644-75-0, are encompassed by the instant claims." (Office Action mailed June 16, 2003, p.3). Without acquiescing to the rejection and solely to expedite prosecution, Applicants have amended claims 1, 14, 15, and 16. Amended claims 1, 14, 15, and 16 are not anticipated by Gryaznov. Claims 2, 4-11, 18, 19, 21-26, and 30-38 ultimately depend from the amended claims. Thus, the rejection is moot. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 1, 2, 4-8, 18-19, 21-26 and 30-38 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Yudin (abstract). According to the Office Action "The compounds of formula VI, the compounds of RN 72793-29-4, [and] 72393-30-7, are encompassed by the instant claims." (Office Action mailed June 16, 2003, p.3). Without acquiescing to the rejection and solely to expedite prosecution, Applicants have amended claim 1. Amended claims 1 is not anticipated by Yudin. Claims 2, 4-8, 18, 19, 21-26, and 30-38 ultimately depend from the amended claims. Thus, the rejection is moot. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 1, 2, 4-11, 14-17, and 21-39 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Chapman (*J. Chem. Soc.* 17:2334-9 (1970); Chem. Abstract). According to the Office Action "The compounds of RN 29948-24-1, 29948-25-2, 29970-37-4, 29970-48-7, 29970-50-1, 29970-51-2, [and] 233-03-4, are encompassed by instant claims 1, 2, 4-11, 14-16, 21-26, [and] 30-38. Compound III (page 2336) is encompassed by instant claims 1, 2, 4-11, 14-17, [and] 21-39." (Office Action mailed June 16, 2003, pp.3-4). Without acquiescing to the rejection and solely to expedite prosecution,

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Applicants have amended claims 1, 14, 15, 16, and 39. Amended claims 1, 14, 15, 16, and 39 are not anticipated by Chapman. Claims 2, 4-11, 17, 18, 19, and 21-38 ultimately depend from the amended claims. Thus, the rejection is moot. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 1-11, 14-16, 18-19, and 21-38 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Yoshikawa (abstract). According to the Office Action "The compounds of RN 232-85-9, 95196-74-0, 96418-17-6, [and] 97789-00-9 are encompassed by the instant claims." (Office Action mailed June 16, 2003, p.4). Without acquiescing to the rejection and solely to expedite prosecution, Applicants have amended claims 1, 14, 15, and 16. Amended claims 1, 14, 15, and 16 are not anticipated by Yoshikawa. Claims 2-11, 18, 19, and 21-38 ultimately depend from the amended claims. Thus, the rejection is moot. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 1, 2, 4-11, 14-18, 20-51 and 53-63 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Kyotani (5576324). According to the Office Action "The compounds of the Examples wherein 'bond by —' is double bond 'd' (columns 37-46) are encompassed by the instant claims. The aminoethyl substituent reads on the instant 'optionally substituted alkyl'. The compounds if the Examples wherein 'bond by —' is a double bond 'd' (columns 55-74) are encompassed by the instant claims. The Y substituent reads on the instant 'optionally substituted alkyl'. (Office Action mailed June 16, 2003, p.4). Without acquiescing to the rejection and solely to expedite prosecution, Applicants have amended claims 1, 14, 15, 16, 39-42, 50, 51, and 63. Amended claims 1, 14, 15, 16, 39-42, 50, 51, and 63 are not anticipated by Kyotani. Claims 2, 4-11, 17, 18, 20-38, 43-49, and 53-62 ultimately depend from the amended claims. Thus, the rejection is moot. Accordingly, Applicants respectfully request that this rejection be withdrawn.

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PATENTThe Rejection of Claims Under 35 U.S.C. § 102(a)

Claims 1-11, 14-16, 18-19, 21-26, 30-38, 42-45, 48-51 and 53-62 were rejected under 35 U.S.C. § 102(a) as allegedly anticipated by Ferlin (abstract). According to the Office Action "The compounds with RN 288570-10-5, [and] 288570-11-6 are encompassed by the instant claims 1, 2, 4-11, 14-16, 18-19, 21-26, [and] 30-38. The anti-neoplastic compounds of RN 232-85-9, 95196-74-0, 96418-17-6, 97789-00-9, and the composition thereof, are encompassed by the instant claims 1-11, 14-16, 18, 19, 21-26, 30-38, 42-45, 48-51, [and] 53-62. The phenyl substituted with methansulfonamide reads on the instant 'optionally substituted aryl'." (Office Action mailed June 16, 2003, p.4).

Without acquiescing to the rejection and solely to expedite prosecution, Applicants have amended claims 1, 14, 15, 16, 42, 50, and 51. Amended claims 1, 14, 15, 16, 42, 50, and 51 are not anticipated by Ferlin. Claims 2-11, 18, 19, 21-26, 30-38, 43-45, 48, 49, and 53-62 ultimately depend from the amended claims. Thus, the rejection is moot. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Objection to Claims 40-41

The compounds of claims 40-41, were allowable objected to by the Examiner as being dependent upon a rejected claim. However, because claims 40-41, as presently amended, depend from independent claim 1, which is allowable in its current amended form, Applicants respectfully request withdrawal of this objection.

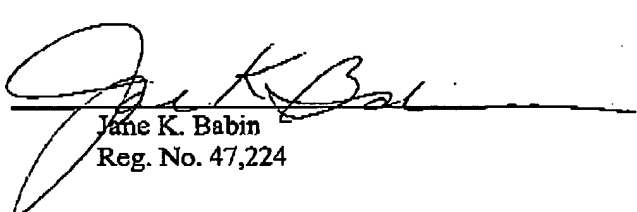
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PATENTCONCLUSION

Applicants respectfully submit that all of the pending claims are in condition for allowance and such is respectfully requested. The Commissioner is hereby authorized to charge \$420.00 to our Deposit Account No. 50-2613 for the fee required under 37.C.F.R. §1.17(a)(3) for the two month extension of time. The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment, to Deposit Account No. 50-2613.

In view of the foregoing remarks, Applicants believe that the entire application is in condition for allowance and such action is respectfully requested. If it is believed that prosecution can be assisted thereby, the Examiner is invited to contact Applicants' undersigned Representative at the below-listed telephone number.

Respectfully submitted,

Paul, Hastings, Janofsky &amp; Walker LLP

Dated: November 17, 2003  
Jane K. Babin  
Reg. No. 47,224

JKB:jc

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